IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

| JOHN T. FURLOW, | § |
|---|----------------------------------|
| Plaintiff, | § 8 |
| riamun, | \$ \$ |
| vs. | § Civil Action No. 6:18-cv-00127 |
| | § |
| JOEL BAKER, in his Individual | § |
| Capacity and in his Official Capacity | § |
| as Smith County Judge, | § |
| DENNIS MATHEWS, in his | § |
| Individual Capacity and in his Official | § |
| Capacity as City of Tyler Detective, | § |
| SMITH COUNTY, TEXAS, and | § |
| CITY OF TYLER, TEXAS, | § |
| | § |
| Defendants. | § |

<u>DEFENDANT SMITH COUNTY, TEXAS' REPLY</u> TO PLAINTIFF'S RESPONSE TO SHOW CAUSE ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant Smith County, Texas (hereinafter "Smith County"), and, although not requested to do so by the Court, submits this Reply to Plaintiff's Response to the Court's Show Cause Order, Dkt. 27, for purpose of clarification and clear up any misinformation as follow:

I.

Plaintiff's contention that he did not timely respond to Defendant Smith County's motion to dismiss because he understood the deadline to response to dispositive motions would be in the future because the parties had agreed to a Docket Control Order which included a deadline to respond to dispositive is misguided and incorrect. The Docket Control Order agreed upon by the parties set a deadline to file dispositive motions, not a deadline to respond to dispositive motions.

Additionally, earlier in this action, Plaintiff timely filed a response to Smith County' motion to dismiss, when he filed his First Amended Complaint, Dkt. 16, so presumably Plaintiff was aware of Local Rule CV-7.

Respectfully submitted,

/s/ _John F. Roehm III
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ATTORNEYS FOR DEFENDANT SMITH COUNTY, TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2018, I electronically filed the foregoing document with the Clerk of the Court through the ECF system and an email notice of the electronic filing was sent to all attorneys of record.

/s/ John F. Roehm III JOHN F. ROEHM III